

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY SCOTT ZIEGLER,

Petitioner,

v.

BRUNO STOLC, et al.,

Respondents.

No. C10-5263 BHS/KLS

REPORT AND RECOMMENDATION
Noted For: July 9, 2010

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner Jeffrey Scott Ziegler is a Washington state inmate at the Red Rock Correctional Center in Eloy, Arizona. Mr. Ziegler filed an application to proceed in forma pauperis (Dkt. 1), but paid the \$5.00 filing fee on June 7, 2010. (Receipt # TAC007450). Accordingly, the Court should deny the application.

DISCUSSION

A district court may permit indigent litigants to proceed in forma pauperis upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

On April 9, 2010, the Clerk received Mr. Ziegler's application to proceed in forma pauperis. Dkt. 1. On June 7, 2010, Mr. Ziegler paid the \$5.00 filing fee. (Receipt # TAC007450). Because he has paid the filing fee, Mr. Ziegler's application to proceed *in forma pauperis* is moot.

CONCLUSION

Because Mr. Ziegler has paid the filing fee, the undersigned recommends that the Court deny his application to proceed *in forma pauperis* (Dkt. 1).

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure (Fed. R. Civ. P.), Petitioner shall have fourteen (14) days from service of this Report and Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed set this matter for consideration on **July 9, 2010**, as noted in the caption.

DATED this 15th day of June, 2010.


Karen L. Strombom
United States Magistrate Judge